

CONFIDENTIAL

22 REPORTED BY:
23 Christina Diaz, CRC, CRR, RMR, CSR, CLR
24 CSR No. 001046-1
25 Job No. 200723CDA

1

CONFIDENTIAL

1 in almost 30,000 stores. Cobroxin was in CVS and
2 Walgreens and Rite Aid and Publix and GNC so the
3 stock went nuts. And he approached me in like
4 2009, 2010 to be an investor relations professional
5 which at the time we weren't looking for. And so
6 that's when I first really started talking to him.
7 And then it was years later Sean McManus was
8 friends with him or knew him. I think they worked
9 together as brokers at some time in the past but I
10 don't know for sure. And Sean asked me if I
11 remembered Chris Castaldo. He said he had met me a
12 few times. I said yes. And then through Sean we
13 wound up hiring him as an investor relations firm.

14 Q. Were you the person who made that
15 decision?

16 A. Yes.

17 Q. And was that in approximately 2013 that
18 Nutra Pharma first hired Mr. Castaldo's firm?

19 A. That sounds right.

20 Q. Before that, did Mr. Castaldo tell you
21 anything about himself?

22 A. I knew because my SEC attorney at -- I
23 had actually asked my SEC attorney about him. He
24 had looked at the newest newsletter, he had looked
25 at some stuff and he said that, I think maybe 2009

CONFIDENTIAL

1 he had an issue. I don't know if it was acting as
2 a broker-dealer, something like that, but he had
3 some black marks on his record.

4 Q. Who was your SEC attorney then?

5 A. Joel Mayersohn, M-A-Y-E-R-S-O-H-N.

6 Q. What do you mean when you say "SEC
7 attorney"?

8 A. He is an attorney that specializes in
9 SEC issues, so when we do our filings, our Qs and
10 Ks we work with him, when we did a reverse split
11 work with him. Most transactions we run past him
12 just to make sure that we are not in violation of
13 any securities laws and we are doing everything
14 correctly.

15 MR. SCHOEPPPL: This is Carl. I just
16 want Mr. Deitsch to be careful not to reveal
17 any attorney-client communications between
18 Mr. Mayersohn and him.

19 BY MS. KRISHNAMURTHY:

20 Q. Now you said Mr. Castaldo worked out of
21 Long Island is it?

22 A. Yes.

23 Q. And did you ever visit his offices?

24 A. I don't think I ever went to his office,
25 no.

CONFIDENTIAL

1 your question.

2 MS. KRISHNAMURTHY: Sure. Sure. Sure.

3 That's why I wanted to put you on alert.

4 BY MS. KRISHNAMURTHY:

5 Q. Did the scope of Mr. Mayersohn's
6 representation in 2015 include any tasks related to
7 press releases?

8 MR. SCHOEPPPL: What's the word you are
9 saying, I can't understand, tax?

10 MS. KRISHNAMURTHY: Tasks, T-A-S-K-S,
11 tasks.

12 MR. SCHOEPPPL: I think that's the
13 subject matter. I will rephrase your
14 question. Did the subject matter of his
15 representation include press releases? I
16 think if you reframe it like that, Preethi, I
17 am fine with that question.

18 MS. KRISHNAMURTHY: Fair enough.

19 BY MS. KRISHNAMURTHY:

20 Q. Mr. Deitsch, did the subject matter of
21 Mr. Mayersohn's representation of Nutra Pharma in
22 2015 include press releases?

23 A. Again, it's a strange question. I would
24 -- part of his cask was I would run certain press
25 releases by him for his advice. Otherwise, he

CONFIDENTIAL

1 never drafted or approved of a press release.

2 Kyle, are you saying something? We can't hear you.

3 MS. KRISHNAMURTHY: We can't hear you.

4 MR. SCHOEPPPL: Yes, sorry. I had to
5 double mute. Rik, don't say anything about
6 what Mr. Mayersohn gave you advice on. Okay?
7 You said you ran things by him regarding
8 press releases. You can stop there. That's
9 as far as I want you to go with that. Okay?

10 THE WITNESS: Understood. Thank you.

11 MS. KRISHNAMURTHY: All right.

12 BY MS. KRISHNAMURTHY:

13 Q. Now, Mr. Deitsch, you had testified
14 earlier about Mr. Crutchfield?

15 A. Yes.

16 Q. And when was the first time that you
17 spoke to Mr. Crutchfield?

18 A. Sometime in 2009. I couldn't say the
19 exact date.

20 Q. Did there come a time when Nutra Pharma
21 entered into an agreement with Mr. Crutchfield or
22 his firm?

23 A. Yes.

24 Q. Approximately when was that?

25 A. It would have been late in 2009 or early

CONFIDENTIAL

1 That was deposition Exhibit 60.

2 A. Yes.

3 Q. Do you see that?

4 A. Yes.

5 Q. As you sit here today, do you have -- do
6 you know one way or another, whether you sent a
7 draft of deposition Exhibit 60 to any members of
8 Nutra Pharma's board before issuing it?

9 A. I don't know.

10 Q. And I will ask you the same question for
11 any other press releases that Nutra Pharma issued
12 in 2015.

13 Do you know sitting here today, whether
14 you sent any draft of any of those press releases
15 to any members of Nutra Pharma's board in 2015?

16 A. I don't know.

17 Q. Now, you mentioned -- withdrawn. One
18 second.

19 Was it Mr. Mayersohn or Mr. Myerson who
20 was Nutra Pharma's attorney in 2015?

21 A. That's Mayersohn.

22 Q. Okay. Do you know sitting here today,
23 whether you sent a draft of deposition Exhibit 60
24 to Mr. Mayersohn before issuing it?

25 A. I don't know.

CONFIDENTIAL

1 Q. And going back to deposition Exhibit 59,
2 do you know one way or another, whether you sent a
3 draft of deposition Exhibit 59 to Mr. Mayersohn
4 before issuing it?

5 A. I don't know.

6 Q. Okay. Now, you have deposition Exhibit
7 59 in front of you, Mr. Deitsch?

8 A. Yes, I do. Yes, I do.

9 Q. Okay. And I apologize if I asked you
10 this before the break. I don't have a transcript
11 so I will just ask again because I am not sure.

12 Who drafted Exhibit 59?

13 A. I did.

14 Q. And did you post this press release on
15 Nutra Pharma's website?

16 A. I had it posted to the website, yes.

17 Q. And if you take a look at the very first
18 sentence there in the press release -- I will
19 highlight it on the screen -- actually, I am sorry
20 I am going to unhighlight it because it's a little
21 harder to see.

22 Do you see the first sentence there on
23 deposition Exhibit 59, "Nutra Pharma has announced
24 that they have engaged the Nature's Clinic to begin
25 the process of distributing Nyloxin in Canada."

CONFIDENTIAL

1 a nice elevator speech. You know, in one place it
2 talks about the company and it's not as boring as a
3 10-K or a 10-Q. So it was a nice research report
4 that says this is what we are doing and this is
5 what we are trying to do. So it's nice to send out
6 to as many people as possible to review the
7 company.

8 MS. KRISHNAMURTHY: Okay. Now, could
9 you please turn, Mr. Deitsch, to deposition
10 Exhibit 49.

11 (Exhibit 49 was referenced for
12 identification)

13 THE WITNESS: Yes.

14 BY MS. KRISHNAMURTHY:

15 Q. And is this -- do you recognize Exhibit
16 49?

17 A. Yes.

18 Q. And what is it?

19 A. It's a press release that SeeThruEquity
20 put out on July 10, 2015, about their report
21 initiating coverage.

22 Q. Okay. And again, I don't want to know
23 about any conversations you had with lawyers.

24 But as you sit here today, do you know
25 one way or the other, whether you sent a draft of

CONFIDENTIAL

1 this report, deposition Exhibit 49, to any lawyer
2 before it was issued?

3 A. I don't recall.

4 Q. You don't recall doing so?

5 A. I don't recall.

6 Q. So did you post this press release to
7 Nutra Pharma's website on July 10, be 2015?

8 A. Eventually, it was posted. I don't know
9 exactly when.

10 Q. And did you direct someone to post it to
11 Nutra Pharma's website?

12 A. I am sure I did.

13 Q. Okay. And if it wasn't July 10th, was
14 it shortly after July 10th?

15 A. I don't know because in 2015, we were
16 going through different web guys and we got behind
17 on some press releases so at some point we caught
18 up though. Probably, sometime in the fall we
19 caught up and put out all the press releases that
20 we were missing.

21 Q. Okay. And so I just want to make sure.
22 I want to go back.

23 So we looked at deposition Exhibit 34,
24 sir, and you told Mr. Castaldo "This should provide
25 plenty of fodder for investor relations."